

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Stefan Witcher,)	
)	C.A. No.: 8:06-1524
Plaintiff,)	
)	
vs.)	ORDER
)	
The Kroger Company,)	
)	
Defendant,)	
_____)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks dated November 1, 2006, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Hendricks' Report and Recommendation and incorporates it herein. It is therefore

ORDERED that the defendant's motion to dismiss is hereby **GRANTED in part and DENIED in part**. Specifically, the defendant's motion to dismiss is GRANTED as to plaintiff's third cause of action for retaliation for filing a workers' compensation claim but DENIED as to all other causes of action without prejudice to the defendant's ability to renew its arguments thereto.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge

Florence, South Carolina
March 16, 2007